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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,746	04/01/2004	Wray Russ	033131-015	1370

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EXAMINER	
TADESSE, YEWEBDAR T	
ART UNIT	**PAPER NUMBER**
1734	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,746	RUSS, WRAY	
	Examiner	Art Unit	
	Yewebdar T. Tadesse	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *23-27* is/are allowed.

6)☒ Claim(s) *1-22 and 28-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09292005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12, 15 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa (US 6,332,680).

As to claim 12, Ozawa discloses (see column 4, lines 11-60; see enclosed Fig 4) a receptacle (61) adapted to receive a disk (medium) from a conveyor surface comprising a housing (612) comprising a guide member at least one support member (walls of the housing) and a base member, a removable hopper (611) adapted to receive the disk from the guide member, the hopper comprising a platform (see Fig 4) for receiving disk and an elastic body or spring (617) positioned between the base and the platform (see Fig 4; column 6, lines 13-30) and a spindle (615) attached to the base of the hopper, wherein the spindle is adapted to receive a plurality of medium. Additionally, In Ozawa the guide member (see enclosed Fig 4) is capable of guiding the disk from the conveyor surface onto the spindle.

Regarding claim 15, Ozawa discloses (see column 4, lines 11-60; enclosed Fig 4 above) a receptacle (61) adapted to receive a disc from a conveyor surface comprising a housing (612) comprising a guide member, at least one support member (walls of the housing) and a base member, wherein the guide member comprises a plate like

member (see Fig 4) having a circular opening adapted to guide the disk into a hopper; a removable hopper (611), the hopper comprising a platform for receiving disk and an elastic body or spring (617) positioned between the base and the platform (see Fig 4; column 6, lines 13-30) and a spindle (615) attached to the base of the hopper, wherein the spindle is adapted to receive a plurality of medium.

With respect to claims 19-21, Ozawa discloses an in-line marking system comprising a dispenser (5) for dispensing markable mediums having a central hole; a conveyor belt assembly; a marking device; and a receptacle (61) adapted to accept the medium after marking that is detachable from the conveyor belt assembly (column 4, lines 11 – 60), the receptacle comprising: a housing (612), considered to be detachable (since this is an apparatus with multiple parts that are all individually attached and can therefore be unattached by a variety of means), and adapted to receive the medium from the conveyor belt assembly, the housing having a guide member (see enclosed Fig 4) considered to be the top of the housing, at least one support member or walls of the housing, and a base member; and a removable hopper (611) adapted to receive the medium from the guide member, the hopper comprising a spindle (615) attachable to a base, wherein the spindle is adapted to receive a plurality of mediums from the guide member, and a hopper guide (615a) adapted to position the hopper within the housing (Figures 1 and 4; column 6, lines 13 – 60).

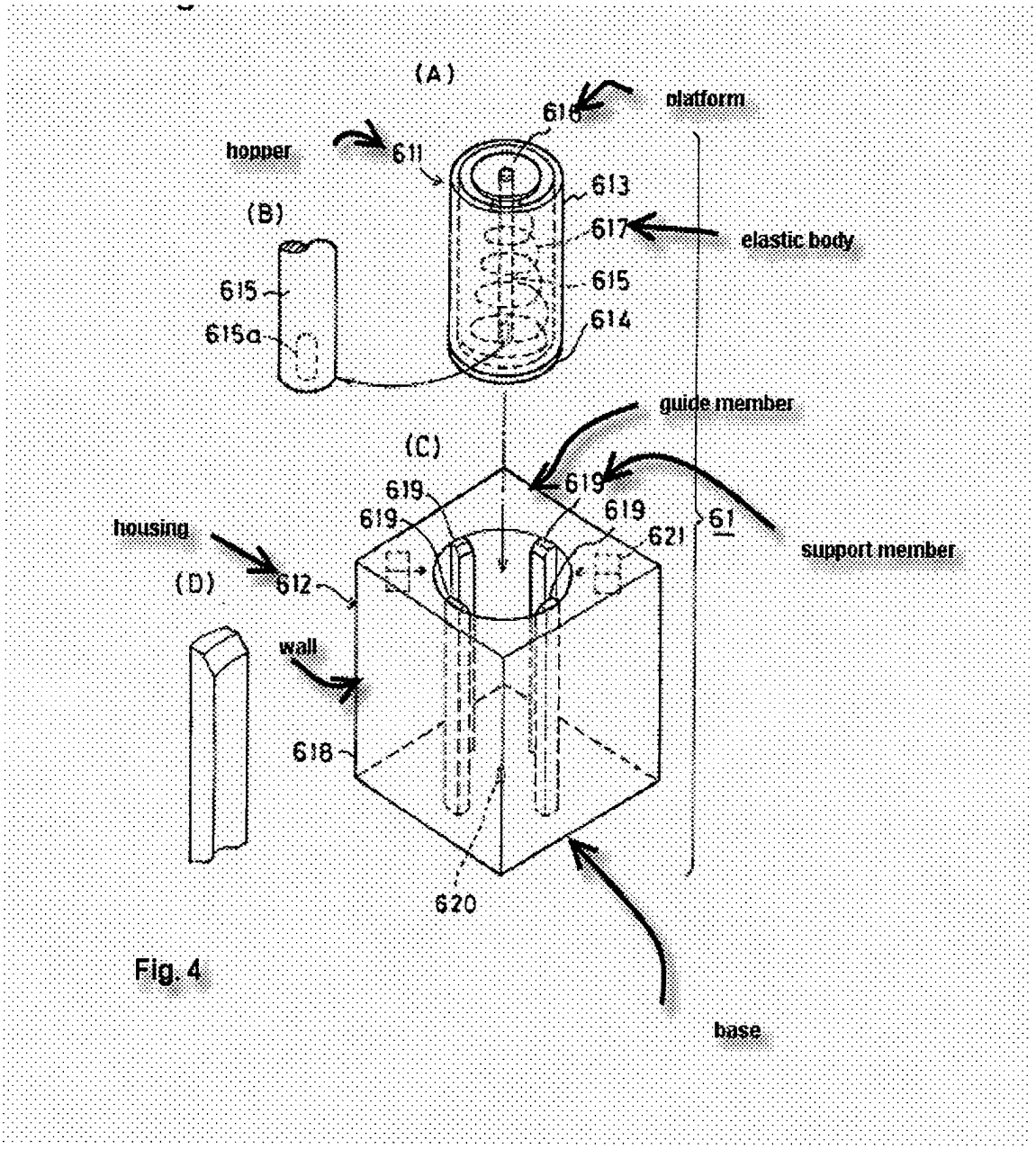

Fig. 4

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 5, 9-11, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa (US 6,332,680) in view of Wolfer et al (US 6,123,020); or over Ozawa (US 6,332,680) as applied to claims 12 or 21 above and further in view of Wolfer et al (US 6,123,020).

Ozawa discloses (see column 4, lines 11-60; enclosed Fig 4 above) a receptacle (61) adapted to receive a disc from a conveyor surface comprising a housing (612) comprising a guide member, at least one support member (walls of the housing) and a base member, wherein the guide member comprises a plate like member (see Fig 4) having a circular opening adapted to guide the disk into a hopper; a removable hopper (611), the hopper comprising a platform for receiving disk and an elastic body or spring (617) positioned between the base and the platform (see Fig 4; column 6, lines 13-30), a spindle (615) attached to the base of the hopper, wherein the spindle is adapted to receive a plurality of medium; and a hopper guide (615a) adapted to position the hopper within the housing (Figures 1 and 4; column 6, lines 13 – 60). Furthermore, In Ozawa the guide member (see enclosed Fig 4) is capable of guiding the disk from the conveyor surface into the hopper. Ozawa lacks teaching a plurality of posts affixed to a base. However, Wolfer et al. disclose a plurality of posts (54, 56, 58) affixed to a base, which forms a hopper (Figure 2). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to design the hopper with posts in Ozawa (as modified) as an equivalent, alternative design to using a cylinder.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa in view of Wolfer et al. as applied in Claim 1 above, further in view of Pottier (U.S. Patent No. 6494309).

Ozawa and Wolfer et al. disclose all the limitations of Claim 1, including the spindle being attachable to a base (Ozawa: Figure 2), but do not specifically disclose the spindle to have a tapered second end wherein the second end has a diameter less than a diameter of the hole in the platform such that the tapered end of the spindle extends through the hole in the platform. However, Pottier discloses using a tapered second end of a spindle wherein the second end has a diameter less than a diameter of the hole in the platform such that the tapered end of the spindle extends through the hole in the platform (Figure 1; column 4, lines 9 – 19). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to design the second end so that it is tapered as claimed in Ozawa as modified so that the disks may be easily threaded over said spindle (column 4, lines 16 – 17).

6. Claims 6– 7 and 16– 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa as applied in Claims 5 and 15 above, and further in view of Wolfer et al. (U.S. Patent No. 6123020).

Ozawa alone or in combination with Wolfer et al disclose(s) all the limitations of Claims 5 and 15, but does not disclose the hopper to comprise a plurality of posts affixed to a base, nor does it disclose two guide members, the first guide member

includes at least one stop and the second guide member configured to control the movement of the medium in a vertical direction. However, Wolfer et al. discloses two guide members (60) (62) that include means for a stop (74) (column 3, line 29 – column 4, line 11). Therefore, it would have been obvious to one of ordinary skill in the art to include two guide members in the housing that include means for a stop in Ozawa to simply, reliably and accurately dispense disks into the removable hopper (column 1, lines 54 – 56).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa and Wolfer et al. as applied in Claim 1 above, further in view of Dinh et al. (U.S. Patent No. 6312522).

Ozawa and Wolfer et al. disclose all the limitations of Claim 1, including removing from the housing (612) the hopper (611) (Ozawa: column 6, lines 48 – 51), but do not specifically disclose a handle adapted to remove the hopper from the housing. However, Dinh et al. disclose using a handle adapted to remove a hopper carrying discs from a housing (Figure 4; column 6, lines 31 – 54 and column 6, line 65 – column 7, line 36). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a handle adapted to remove the hopper from the housing in Ozawa as modified to facilitate handling (column 6, lines 50 – 55).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa as applied in Claim 12 above, further in view of Pottier.

Ozawa discloses all the limitations of Claim 12, including the spindle being attachable to a base (Figure 2), but does not specifically disclose the spindle to have a tapered second end wherein the second end has a diameter less than a diameter of the hole in the platform such that the tapered end of the spindle extends through the hole in the platform. However, Pottier discloses using a tapered second end of a spindle wherein the second end has a diameter less than a diameter of the hole in the platform such that the tapered end of the spindle extends through the hole in the platform (Figure 1; column 4, lines 9 – 19). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to design the second end so that it is tapered as claimed in Ozawa so that the disks may be easily threaded over said spindle (column 4, lines 16 – 17).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa as applied in Claim 12 above, further in view of Dinh et al.

Ozawa discloses all the limitations of Claim 12, including removing from the housing (612) the hopper (611) (column 6, lines 48 – 51), but does not specifically disclose a handle adapted to remove the hopper from the housing. However, Dinh et al. disclose using a handle adapted to remove a hopper carrying discs from a housing (Figure 4; column 6, lines 31 – 54 and column 6, line 65 – column 7, line 36). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a handle adapted to remove the hopper from the housing in Ozawa to facilitate handling (column 6, lines 50 – 55).

10. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa as applied in Claim 21 above, further in view of Gelardi et al (US 6,527,500).

With respect to claims 28-29, Ozawa discloses all the limitations of Claim 21, including an alternate conveying mechanism comprising a conveyor belt 200 (see Fig 7 and column 10, lines 30-39), but does not specifically disclose a plurality of belts forming a conveyor surface, wherein the plurality of belts having a diameter of approx. 1/16 of an inch to 3/8 of an inch and a spacing between the belts of at least ½ of an inch. It is known in the art to use a plurality of belts in transporting disks; for instance - Gelardi et al discloses (see Abstract and Figs 1 and 6) a plurality of belts (25) for conveying disks. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a plurality of belts in Ozawa to transport a plurality of mediums or disks from one zone to another. Regarding the diameter and the spacing between belts, they depend on the size of the disks treated, the production area and size of the apparatus. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to size the diameter of the belts and spacing between belts in Ozawa depending the size of the substrate, the manufacturing area and size of the device.

As to claim 30, in Ozawa the medium is disk.

Allowable Subject Matter

11. Claims 23-27 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter: in view of the appropriately filed terminal disclaimer claims 23-27 are passed for allowance.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cummins et al (US 6,760,052) discloses disk receptacle (see Fig 3).

Response to Arguments

14. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. As shown in the rejection above, Ozawa receptacle (61) comprising a housing having a guide member, wherein the guide member is capable of guiding the medium (disk) from the conveyor surface into the hopper (onto the spindle of the hopper). It is noted that the limitation "guiding from the conveyor surface into the hopper or onto the spindle " is an intended use of the apparatus. No structure is added to the claimed invention by incorporating such limitation. Therefore, Ozawa alone or in combination with Wolfer et al meets the claimed limitations of claims 1 and 12. Additionally, as shown in the enclosed Fig. 4, the guide member comprises a plate-like member having a circular opening adapted to guide the disk onto the hopper.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YTT